

Theodore L. Hecht (TH-5497)
Cynthia A. Murray (CM-8900)
Schnader Harrison Segal & Lewis LLP
140 Broadway, Suite 3100
New York, New York 10005-1101
Phone No.: (212) 973-8000
Fax No.: (212) 972-8798
E-mail: thecht@schnader.com

Attorneys for Defendant

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
CLUES FASHIONS, INC., :
Plaintiffs, :
- against - :
COSTCO WHOLESALE CORP., :
Defendant. :
-----X

NOTICE OF MOTION
08-CV-6146 (GBD)(HP)
ECF CASE

TO THE HONORABLE GEORGE B. DANIELS
UNITED STATES DISTRICT JUDGE:

PLEASE TAKE NOTICE, that upon the accompanying declaration of Tammi Laush dated July 8, 2008, and Memorandum of Law dated July 10, 2008, defendant Costco Wholesale Corp. ("Costco") will move this Court before the Honorable George B. Daniels, United States District Judge, Southern District of New York, 500 Pearl Street, Courtroom 15D, New York, New York 10007 at such time as the Court shall direct, for an Order, pursuant to Rule 12(b)(3) of the Federal Rules of Civil Procedure, 28 U.S.C. § 1406, and 9 U.S.C. § 3, to dismiss the action, or alternatively, transfer venue to the United States District Court for the Western District of Washington for that court to compel arbitration; or, alternatively, stay the

action pending arbitration in Seattle, Washington on the ground that the parties' agreement provides that the dispute is referable to arbitration to be conducted in Seattle, Washington; and granting such other and further relief to defendant Costco as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 6 of the Federal Rules of Civil Procedure and Local Civil Rule 6.1, opposing papers and answering memorandum of law shall be served on Costco's counsel, Michael B. Goldsmith, Silverberg Stonehill Goldsmith & Haber, P.C., 111 W. 40th Street, New York, New York 10018, and filed with the Court within ten (10) business days after service of the within moving papers;

Dated: New York, New York
July 10, 2008

Respectfully yours,

SCHNADER HARRISON SEGAL & LEWIS LLP

By:



Theodore L. Hecht (TH-5497)

TO: (VIA ECF)

Michael B. Goldsmith (MG-8358)
Silverberg Stonehill Goldsmith & Haber, P.C.
111 W. 40th Street
New York, New York 10018
(212) 730-1900

*Attorneys for Plaintiff
Clues Fashions, Inc.*